

HOUSE BILL 2995

By Parkinson

AN ACT to amend Tennessee Code Annotated, Title 50,
Chapter 7, relative to unemployment security.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-7-304, is amended by deleting subdivision (b)(2)(B) and substituting instead the following:

(B) **Overpayments.** If no fraud or misrepresentation on the part of the claimant is involved and a subsequent decision adverse to the claimant results based on evidence that was submitted by the employer more than seven (7) days from the date that the agency request for information is mailed to the separating employer, or results because of the employer's failure to respond as described in subdivision (b)(2)(C), or results because the employer did not appear for a scheduled hearing before the appeals tribunal or the commissioner's designee, no overpayment will be established and the claimant will not be required to repay any benefits paid prior to the decision. Otherwise, the claimant will be charged with any benefits paid, and shall be liable to have the payments deducted from future benefits payable under this chapter, or shall be liable to repay the commissioner, for deposit in the unemployment compensation fund, a sum equal to the amount so received, and the sum shall be collectible in the manner provided in § 50-7-404(b), for collection of past due premiums.

SECTION 2. Tennessee Code Annotated, Section 50-7-304, is further amended by deleting the second sentence in subdivision (b)(2)(D) and substituting instead the following language:

The separating employer who submits evidence, which evidence is the basis for reversing a claim, more than seven (7) days from the date that the agency request for

information is mailed to the such employer, or the separating employer who fails to respond as described in subdivision (b)(2)(C) or who did not appear for a scheduled hearing before the appeals tribunal or the commissioner's designee will be charged with that portion of benefits paid that are attributable to wages paid in its employment during the base period.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it, and shall apply to all appeals of determinations in unemployment security claims filed on or after such date.